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Attorney for Plaintiff

ISABEL SANTOS, INDIVIDUALLY AND
AS TRUSTEE AND BENEFICIARY OF THE
YOLANDA MARIA SANTOS TRUST

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ISABEL SANTOS, INDIVIDUALLY AND
AS TRUSTEE AND BENEFICIARY OF THE
YOLANDA MARIA SANTOS TRUST,

Plaintiff,

v.

REVERSE MORTGAGE SOLUTIONS, INC.;
NDEX WEST, LLC; and DOES 1 through 20,

Defendants

Case No.: 3:12-cv-03296-LB

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF PLAINTIFF'S
OPPOSITION TO MOTION FOR
JUDGMENT ON THE PLEADINGS
PURSUANT TO FED. R. CIV. P. 12(c), OR,
ALTERNATIVELY, MOTION FOR
SUMMARY JUDGMENT PURSUANT TO
FED. R. CIV. P. 56**

Pursuant to Federal Rule of Evidence 201, Plaintiff requests that the Court take judicial notice of the following documents. A fact is appropriate for judicial notice where it is “not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to resources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b).

Exhibit A:

Home Equity Conversion Mortgage Handbook, Chapter 1, available at:

<http://www.hud.gov/offices/adm/hudclips/handbooks/hsg/4235.1/42351c1HSGH.pdf>.

Exhibit B:

Home Equity Conversion Mortgage Model Adjustable Rate Note, available at:

<http://www.hud.gov/offices/adm/hudclips/handbooks/hsg/4235.1/42351x3HSGH.pdf>.

Exhibit C:

Home Equity Conversion Mortgage Model Loan Agreement, available at:

<http://www.hud.gov/offices/adm/hudclips/handbooks/hsg/4235.1/42351x7HSGH.pdf>.

Exhibit D:

U.S. Department of Housing and Urban Development Mortgage Letter 2011-16, available at:

<http://portal.hud.gov/hudportal/documents/huddoc?id=11-16ml.pdf>.

Documents available on government agencies’ websites have frequently been treated as proper subjects of judicial notice. *See, e.g., Paralyzed Veterans of Am. v. McPherson*, No. C064670SBA, 2008 WL 4183981, *5 (N.D. Cal. Sept. 9, 2008) (collecting cases). Exhibits A, B, and C, ad documents available on the Department of Housing and Urban Development website, are proper subjects of judicial notice.

In addition, for Exhibit D, absent a showing that the interpretation is unreasonable or inconsistent with statutory authority, judicial notice is proper of HUD’s interpretations of their own regulations. *See, e.g. United States v. City of St. Paul*, 258 F.3d 750, 752 C.A.8 (Minn.) 2001.

Exhibit E:

Home Equity Conversion Mortgage Insurance Demonstration: Streamlining the Demonstration and Allowing Use of the Direct Endorsement Program,” 60 Fed. Reg. 42754-01 (Aug. 16, 1995). This

document is subject to judicial notice pursuant to statute. 44 U.S.C. § 1507 (“The contents of the Federal Register shall be judicially noticed and without prejudice to any other mode of citation, may be cited by volume and page number...”)

Exhibit F:

Superior Court of California of Contra Costa County Order Granting Plaintiff’s Motion for Preliminary Injunction.

Pursuant to Fed. R. Evid. 201(b), the Federal Court may take judicial notice of state court orders and proceedings. See, Dawson v. Mahoney, 451 F.3d 550, 551 (9th Cir. 2006) (allowing for judicial notice in federal court of state court orders and proceedings).

DATED: July 19, 2012

LAW OFFICE DANIEL J. HANECAK

/s/ Daniel J. Hanecak

Daniel J. Hanecak, Esq.

Attorney for Plaintiff

ISABEL SANTOS, INDIVIDUALLY AND AS
BENFICIARY AND TRUSTEE OF THE

YOLANDA MARIA SANTOS TRUST

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

I, Daniel J. Hanecak, hereby certify that on July 18, 2012, a true and correct copy of **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFF'S OPPOSITION TO MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO FED. R. CIV. P. 12(c), OR, ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT PURSUANT TO FED. R. CIV. P. 56** was filed electronically and is available for viewing and downloading from the ECF system.

Unless otherwise noted herein, the following parties are deemed to have consented to electronic service of documents filed through the ECF system:

Defendants' Representation

Edward A. Treder (SBN 116307)
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Executed on July 19, 2012, at Sacramento, California.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

/s/ Daniel J. Hanecak
Daniel J. Hanecak, Esq.